

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21155 OF 1995

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DATED: 19-09-2006

BETWEEN

Visakhapatnam Urban Development Authority
Rep.by its Secretary, Udyog Bhavan Complex
Visakhapatnam, K.B.Arunachalam
S/o K.B. Balakrishna
R/o Visakhapatnam

...PETITIONER

AND

Government of Andhra Pradesh, rep. by its
Secretary, L.E. & Trg. (LAB-I) Dept.,
Secretariat Buildings, Hyderabad & 2 others

...RESPONDENTS

ORDER:

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Visakhapatnam Urban Development Authority (VUDA) filed this writ
petition questioning the award of the Industrial Tribunal – cum – Labour

Court, Visakhapatnam dated 22.04.1995 passed in I.D.No.41 of 1991 in directing the petitioner – management to reinstate the third respondent – workman into service immediately within a month of the receipt of the said award, however, the third respondent workman is not entitled to backwages though he is entitled to reinstatement.

This Court while admitting the writ petition dismissed the interim application directing the writ petitioner to implement the said award of the Tribunal within a period of three weeks.

None appears for the petitioner.

It is the case of the third respondent that he was appointed as Man Mazdoor under D.F.O. VUDA on 03.03.1988 and he was removed from service on 21.03.1989 contrary to the provisions of the Industrial Disputes Act (for short 'the Act') without giving one-month notice and terminal benefits as contemplated under Section 25 F of the Act.

It is stated that in spite of several requests made by the third respondent the petitioner – management did not reinstate him, which is illegal and arbitrary. Therefore, the third respondent raised an industrial dispute in I.D.No.41 of 1991 and the Tribunal while observing that admittedly the third respondent herein worked from 03.03.1988 till 21.03.1989, held that the management failed to produce the NMR register to prove its contention that the third respondent never worked continuously.

Having regard to the facts and circumstances of the case, the Tribunal held that the termination of the third respondent is contrary to the provisions of Section 25 F of the Act, as the retrenchment was made without giving any notice and without paying any compensation.

In view of the aforesaid facts and circumstances of the case, I do not see any illegality in the order of the Tribunal as the third respondent was terminated in utter violation of Section 25 F of the Act.

The writ petition is accordingly dismissed. No costs.

V. ESWARAI AH, J

September 19, 2006
DSK